

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jessica Long	Team: Team # 3	CCRB Case #: 200100936	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/27/2000 10:00 PM	Location of Incident: § 87(2)(b)	Precinct: 72	18 Mo. SOL 6/27/2002	EO SOL 6/27/2002	
Date/Time CV Reported Fri, 02/09/2001 1:00 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Fri, 02/09/2001 1:04 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DTS William Mohr	04868	906851	B/S-END
2. SGT Joseph Gulotta	01082	900369	072 PCT
3. POM Michael Drennan	18412	906151	072 PCT
4. DT3 David Gilbert	07487	904026	072 DET
5. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Lylana Moya	02119	898090	NARCBBS
2. SGT Lawrence Panzica	01229	894264	B/S-WND
3. POM James Mazziotta	10867	906758	072 PCT
4. SGT Jeffrey Colonna	01869	888569	072 PCT

Officer(s)	Allegation	Investigator Recommendation
A.DTS William Mohr	Force: Det. William Mohr pointed his gun at § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b).	§ 87(2)(b)
B.SGT Joseph Gulotta	Force: Sgt. Joseph Gulotta pointed his gun at § 87(2)(b), § 87(2)(b) and § 87(2)(b).	§ 87(2)(b)
C.POM Michael Drennan	Force: PO Michael Drennan pointed his gun at § 87(2)(b) and § 87(2)(b).	§ 87(2)(b)
D.SGT Joseph Gulotta	Abuse: Sgt. Joseph Gulotta authorized the entry of location.	§ 87(2)(b)
E.DTS William Mohr	Discourtesy: Det. William Mohr spoke obscenely and/or rudely to § 87(2)(b).	§ 87(2)(b)
F.DTS William Mohr	Abuse: Det. William Mohr threatened § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) with the use of force.	§ 87(2)(b)
G.DTS William Mohr	Force: Det. William Mohr used physical force against § 87(2)(b).	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H.SGT Joseph Gulotta	Force: Sgt. Joseph Gulotta used physical force against § 87(2)(b) .	
I.DTS William Mohr	Abuse: Det. William Mohr frisked § 87(2)(b) and § 87(2)(b) .	
J.SGT Joseph Gulotta	Abuse: Sgt. Joseph Gulotta frisked § 87(2)(b)	
K.POM Michael Drennan	Abuse: PO Michael Drennan frisked § 87(2)(b)	
L.SGT Joseph Gulotta	Abuse: Sgt. Joseph Gulotta threatened § 87(2)(b) with the use of force.	
M. Officers	Discourtesy: Officers spoke obscenely and/or rudely to § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b)	
N. Officers	Abuse: Officers threatened § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) with the use of force.	
O.DTS William Mohr	Off. Language: Det. William Mohr made remarks to § 87(2)(b) based upon race while at the 72nd Precinct.	
P.DTS William Mohr	Discourtesy: Det. William Mohr spoke obscenely and/or rudely to § 87(2)(b) while at the 72nd Precinct.	
Q.DT3 David Gilbert	Discourtesy: Det. David Gilbert spoke obscenely and/or rudely to § 87(2)(b) while at the 72nd Precinct.	

## Synopsis

On December 27, 2000, § 87(2)(b) fired a BB gun in the direction of Det. William Mohr, at § 87(2)(b) in Brooklyn. Det. Mohr was walking in the vicinity of the location. § 87(2)(b) firing the BB gun prompted Det. Mohr to remove his firearm, and this caught the attention of Sgt. Joseph Gulotta and PO Michael Drennan who approached the detective. § 87(2)(b) fled into the building located at § 87(2)(b) and the officers then entered the location with their weapons out and pointed. Once inside the officers encountered § 87(2)(b), § 87(2)(b)'s aunt, his cousin, § 87(2)(b) and two of § 87(2)(b)'s friends, § 87(2)(b) and § 87(2)(b). § 87(2)(b) had called 911 when she saw Det. Mohr entering the residence as she did not know he was a police officer, and § 87(2)(b) had told her that there was a "maniac upstairs." The officers pointed their firearms at the boys, who were put to the floor and frisked. The boys made allegations that the officers spoke discourteously and threatened them with force. § 87(2)(b) was arrested § 87(2)(b). Once at the 72<sup>nd</sup> precinct, he was questioned in an interview room. He stated that at this time, Det. Mohr spoke to him discourteously and used offensive language and that Det. Gilbert of the robbery squad, spoke to him discourteously. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

## Summary of Complaint

§ 87(2)(b) a § 87(2)(b) year-old § 87(2)(b) was interviewed at § 87(2)(b) in New Jersey on February 16, 2001 (see enc. 7A-C). § 87(2)(b) stated that on December 27, 2000, he was at the Great Wall Chinese Restaurant located at 45<sup>th</sup> Street and 5<sup>th</sup> Avenue in Brooklyn with his cousin, § 87(2)(b) and two friends, § 87(2)(b) § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) left the restaurant between 10:00 and 10:30 PM, approximately five minutes before § 87(2)(b) and § 87(2)(b). § 87(2)(b) and § 87(2)(b) decided to play a game on § 87(2)(b) and § 87(2)(b) and went to § 87(2)(b) which is the home of § 87(2)(b), § 87(2)(b)'s mother and § 87(2)(b) and § 87(2)(b)'s grandmother.

The house at § 87(2)(b) is a three-story house. At ground level there is the entrance into the basement apartment. There are stairs located to the right of the door to the basement apartment. These stairs lead up to the main entrance of the house. Once inside the door to the main entrance, there is a hallway that leads to stairs, which go down into the basement apartment. Thus the basement can be accessed either from outside, or inside of the house.

§ 87(2)(b) took § 87(2)(b)'s BB gun, and § 87(2)(b) and § 87(2)(b) stood on the stoop. When § 87(2)(b) and § 87(2)(b) came around the corner, § 87(2)(b) pointed the gun at § 87(2)(b) and fired. § 87(2)(b) did not know there was a BB in the gun. The BB hit the metal gate of a store and fell to the ground. A man, identified as Det. Mohr from police documents obtained by § 87(2)(b)'s mother, started to run toward § 87(2)(b) with a gun. § 87(2)(b) had not seen Det. Mohr when he first fired the gun. § 87(2)(b) did not know that Det. Mohr was a police officer at this time.

§ 87(2)(b) and § 87(2)(b) ran into the main entrance of the house, and § 87(2)(b) slammed the door behind them. § 87(2)(b) and § 87(2)(b) ran downstairs, and told § 87(2)(b) that there was a maniac upstairs with a gun. § 87(2)(b) called 911. They then heard a "boom" of the door opening. § 87(2)(b) threw the gun in § 87(2)(b)'s room. § 87(2)(b) and § 87(2)(b) went into the bathroom with the dog and locked the door. § 87(2)(b) and § 87(2)(b) went into the house through the basement entrance, and informed § 87(2)(b) that when he had shot the gun, there was a plainclothes police officer there. § 87(2)(b) and § 87(2)(b) then exited the bathroom. Det. Mohr ran down the stairs and said, "Nobody fucking move. I'll blow your brains out." § 87(2)(b) § 87(2)(b) and § 87(2)(b) went to the ground while § 87(2)(b) sat on the couch. § 87(2)(b) said that he had a soda in his pocket. Det. Mohr told § 87(2)(b) "Don't you fucking move." He grabbed § 87(2)(b) by the shoulder and threw him to the ground.

At this time, an officer who § 87(2)(b) could not describe entered the house from the basement door on the ground floor. The officer and Det. Mohr pointed their guns at one another. Det. Mohr pulled his shield out and identified himself as a police officer. Det. Mohr asked, "Who was the kid wearing the yellow jacket?"

§ 87(2) raised his hand and said that it was he. Approximately twenty officers entered the premises. The officers had their guns pointed at § 87(2) § 87(2)(b) and § 87(2). Det. Mohr stood over § 87(2) with his gun pointed and again stated, “Don’t move or I’ll blow your brains out.” He also said, “If you move, I’ll empty this clip into your head.”

§ 87(2) was handcuffed and transported to the 72<sup>nd</sup> precinct. § 87(2) was brought into an office at the 72<sup>nd</sup> precinct and handcuffed to the wall. Det. Mohr told officers, “If that kid would have shot me, I would have killed him.” § 87(2) was then brought into a room with a two-way mirror, to be questioned by Det. Mohr, and officers later identified during the investigation as Sgt. Panzica of Narcotics and Det. Gilbert of the RAM unit. Det. Mohr asked § 87(2) why he ran, and § 87(2) responded that he thought Det. Mohr was a gang member. Det. Mohr replied, “What would a white guy be doing around this neighborhood?” Det. Mohr told § 87(2) that when he goes to jail, “they’ll be guys fucking you in your ass.” Det. Mohr told § 87(2) that he would not make it in jail, and that people would steal his chain. Det. Mohr told § 87(2) that he was a liar, and a “fucking retard.” Det. Gilbert said, “Kid, you’re lying. Stop fucking lying to me.” Det. Gilbert also said that § 87(2) would get, “fucked up the ass.”

§ 87(2)(b) was charged § 87(2)(a) Fam. Ct. Act § 381.3, § 87(2)(g)

#### *Photo Arrays*

§ 87(2)(b) stated that when he went to the precinct, he was questioned by a detective regarding robberies. Documents from the 72<sup>nd</sup> precinct RAM squad were obtained (see enc. 29-30) and it was determined that Det. David Gilbert and Det. Rosario Amato were the two RAM detectives on duty when § 87(2)(b) was brought into the precinct. Photo arrays including Det. Amato and Det. Gilbert were shown to § 87(2)(b) on January 15, 2002. § 87(2)(b) identified Det. Gilbert as the detective who questioned him (see enc. 7D-F).

### **Results of Investigation**

#### **Civilian Witnesses**

§ 87(2)(b) a § 87(2)(b) year old § 87(2)(b), was interviewed at § 87(2)(b) in Brooklyn, on March 1, 2001 (see enc. 8A-C). § 87(2)(b) and § 87(2)(b) -year-old § 87(2)(b) (see enc. 9A-C), § 87(2)(b) a § 87(2)(b) -year-old § 87(2)(b) (see enc. 10A-C), and § 87(2)(b) a § 87(2)(b) -year-old § 87(2)(b) (see enc. 11A-C), were all interviewed at § 87(2)(b) in Brooklyn on March 1, 2001. § 87(2)(g)

On December 27, 2000, § 87(2)(b) was in her home at § 87(2)(b) in Brooklyn. At approximately 9:30 PM, her son, § 87(2)(b) and her nephew, § 87(2)(b) asked if they could go and get Chinese food with their friends, § 87(2)(b) and § 87(2)(b) § 87(2)(b) and § 87(2)(b) said yes.

The boys went to eat Chinese food on 45<sup>th</sup> Street, and when they were done, § 87(2)(b) and § 87(2)(b) returned to § 87(2)(b) before § 87(2)(b) and § 87(2)(b). § 87(2)(b) was downstairs in the basement at this time. § 87(2)(b) stood on the top of the stairs and fired a BB gun at § 87(2)(b) and § 87(2)(b) as they were walking back. § 87(2)(b) stated that he was not outside when § 87(2)(b) fired the BB gun, § 87(2)(b), § 87(2)(g). § 87(2)(b) stated that the BB hit a wall on § 87(2)(b), ricocheted and then passed § 87(2)(b) and § 87(2)(b). At this time, Det. Mohr was standing approximately ten feet in front of the boys. § 87(2)(b) indicated that the BB hit the street, bounced and then hit a wall that was approximately one foot from Det. Mohr. According to § 87(2)(b) he and § 87(2)(b) were about ten feet in front of Det. Mohr. Det. Mohr yelled for § 87(2)(b) and § 87(2)(b) to go and get him back up at the International Restaurant. § 87(2)(b) saw Det. Mohr’s badge and realized that he was a police officer. Det. Mohr took out his gun and began to run toward the house, and § 87(2)(b) ran inside. Both § 87(2)(b) and § 87(2)(b) yelled at Det. Mohr, “It’s a toy gun. Don’t shoot.” At this time, other officers in uniform began to run down the block with their guns out, and they joined Det. Mohr. Det. Mohr opened the top door to the house and said, “You motherfucker.” As § 87(2)(b) was inside of the location, she did not witness § 87(2)(b) shoot the BB gun.

§ 87(2) and § 87(2)(b) ran through the house and down to the basement apartment where they informed § 87(2)(b) that there was a maniac on the front stoop, who was trying to get into the house with a gun. § 87(2)(b) went outside to check, and she observed Det. Mohr on the top of her steps with a gun pointed in the hallway (the house had a downstairs entrance and an upstairs entrance). The front door was open and Det. Mohr stated, "I don't give a fuck, he was shooting at me."

§ 87(2)(b) ran into her house and called 911. She told § 87(2)(b) and § 87(2) to hide in the bathroom with the dog. § 87(2) and § 87(2) arrived at the house as uniformed officers responded and entered through the downstairs door. There were at least twenty officers at the location. They had their guns drawn. Det. Mohr then came down the stairs and entered § 87(2)(b)'s apartment from the upstairs apartment. Det. Mohr pulled his shield out and identified himself as a detective to the other officers. Det. Mohr stated, "Get the kid in the yellow coat." § 87(2) had been wearing a yellow coat. § 87(2) and § 87(2)(b) exited the bathroom. Det. Mohr grabbed § 87(2) by his shoulders, threw him down onto the floor and frisked him. § 87(2)(b) asked what was going on. Det. Mohr informed the other officers that § 87(2) had been shooting at him. § 87(2)(b) stated, "My nephew wasn't shooting at you. There are no guns in my house. Search my house." § 87(2)(b), § 87(2)(b) and § 87(2) were placed on the floor while § 87(2) was told to sit on the couch.

An officer asked, "Does anybody have anything?" § 87(2) went to show the officers that he had a bottle of soda in his pocket. § 87(2) stated that a uniformed officer with blond hair, grabbed him by his shoulders, threw him to the floor and held his head down. § 87(2)(b) stated that a uniformed officer that she could not describe, put his gun to § 87(2)'s head and stated, "Don't move. I'm going to blow your fucking brains out. What do you have in your pocket?" § 87(2) informed the officer that he had a bottle of soda and the officer frisked him.

Officers stated, "Don't fucking move or I'll shoot you. Get on the fucking floor." § 87(2) and § 87(2)(b) stated that they were put to the floor and frisked as well. An officer, later identified during the investigation as Sgt. Gulotta by § 87(2)'s description, threw § 87(2) to the floor. Officers had their guns drawn and pointed at the boys. Sgt. Gulotta stated, "If you move, you die." When the boys tried to explain what happened they were told by officers to "shut the fuck up." § 87(2), § 87(2)(b) and § 87(2) could not describe what officers stated, "shut the fuck up."

An officer descended the stairs while holding the BB gun. § 87(2)(b) asked who the gun belonged to and § 87(2) responded that it was his. § 87(2)(b) was not aware that the boys had purchased BB guns. The boys were allowed to get up once the officers realized that the gun was a toy. § 87(2) was handcuffed and transported to the precinct. The duration of the incident was about ten minutes.

### **Officer Identification**

Det. Mohr was identified by § 87(2)(b) who had a copy of § 87(2)(b)'s juvenile report. § 87(2)(b) is § 87(2)(b)'s mother. Sgt. Lawrence Panzica and Det. Lyliana Moya were identified from Det. Mohr's CCRB interview. Sgt. Joseph Gulotta and PO Michael Drennan were identified from the radio run, using precinct roll call. Det. Gilbert was identified from police documents and from photo arrays.

### **Officer Statements**

Det. William Mohr was interviewed at the CCRB on March 12, 2001 (see enc. 13A-B), Det. Lyliana Moya on March 19 (see enc. 15A-B), Sgt. Lawrence Panzica on April 9 (see enc. 16A-B), Sgt. Joseph Gulotta on June 25 (see enc. 20A-B), PO Michael Drennan on July 2 (see enc. 22A-B), and Det. David Gilbert on January 24, 2002 (see enc. 24A-B). It should be noted that PO Drennan has since left service. § 87(2)(g)

On December 27, 2000, Det. Mohr was working with Det. Moya and Sgt. Panzica as part of a buy and bust operation. When the operation was completed, the officers stopped for food at the International Restaurant on the corner of 5<sup>th</sup> Avenue and 44<sup>th</sup> Street in Brooklyn. Det. Moya and Sgt. Panzica went to purchase the food while Det. Mohr waited in their vehicle. As Det. Mohr sat in the car, he observed four boys run past his car and around the corner, onto § 87(2)(b). The last boy, § 87(2)(b) had his hand in his jacket as if he was grabbing for a gun. Det. Mohr stepped out of the car, pulled his shield from his vest and walked to the corner of § 87(2)(b). Det. Mohr observed § 87(2)(b) standing on the stoop of § 87(2)(b) and § 87(2)(b).

pointing a gun at Det. Mohr. The three other boys were already in the house. Det. Mohr removed his gun, pointed it at § 87(2) and yelled, "Police!" § 87(2) then shot the gun, and the BB hit the wall behind Det. Mohr. Det. Mohr did not know that it was a BB gun at this point. He thought that the round could have been either from a pellet gun or a 22-caliber gun. There was a marked police car on the corner at this time and the uniformed officers, Sgt. Gulotta and PO Drennan, approached Det. Mohr after seeing him pull his gun. Det. Mohr informed the officers that a man with a gun had run into the house and the officers put out a call for assistance. Sgt. Gulotta and PO Drennan stated that Det. Mohr's shield was visible at this time.

Sgt. Panzica stated that as he was in the restaurant he heard sirens and saw police lights. He and Det. Moya then followed the patrol cars to § 87(2)(b). Det. Moya indicated that while she and the Sergeant were purchasing food, a civilian entered the establishment and stated that there was police activity up the corner. Det. Moya and Sgt. Panzica then followed the activity to § 87(2)(b).

Det. Mohr, Sgt. Gulotta and PO Drennan proceeded to § 87(2)(b) and entered the building through the upstairs doorway. The officers yelled, "Police!" Det. Mohr did not use any profanity when entering the apartment. He did not state, "I don't give a fuck, he was shooting at me," or "You motherfucker." Det. Mohr heard a female voice from inside the house, state "Get your stories straight and get rid of everything. The cops are coming." Det. Mohr and the officers went down the stairs and proceeded to the basement apartment. Det. Mohr saw the BB gun near the top of the stairs and then placed it in his waistband.

Det. Mohr yelled for everyone to get onto the floor and show their hands. No officer stated, "Nobody fucking move, I'll blow your brains out." Responding units arrived on the scene and there were approximately ten to fifteen officers at the location with their guns drawn. § 87(2)(b), § 87(2) and § 87(2)(b) got onto the floor while § 87(2) and § 87(2)(b) were sitting on the couch. Det. Mohr grabbed § 87(2) by his arms and placed him onto the floor. Det. Mohr frisked § 87(2) and § 87(2) while PO Drennan frisked § 87(2)(b) and Sgt. Gulotta frisked § 87(2). Neither Det. Mohr nor any officer on the scene stated, "Shut the fuck up," or "If you move I'll empty this clip into your head." Det. Mohr placed § 87(2) in handcuffs and allowed the other boys to get up and sit on the couch. Det. Mohr looked at the gun and realized that it was plastic and not real.

Sgt. Panzica stated that when he arrived on the premises, § 87(2)(b) was already in handcuffs. Det. Moya stated that by the time she reached the residence, Det. Mohr was escorting § 87(2)(b) from the house in handcuffs.

§ 87(2) was transported to the stationhouse and once there, Det. Mohr questioned § 87(2) regarding his pedigree information and § 87(2) gave the detective two different addresses. § 87(2) was giggling and laughing and Det. Mohr informed § 87(2) that this situation was not a joke. § 87(2)(b), § 87(2)(f)

§ 87(2)(b) Det. Mohr, Sgt. Panzica and Det. Moya were also present at this time. Det. Mohr did not say, "If that kid would have shot me, I would have killed him." Det. Mohr asked § 87(2) what his purpose in running was and § 87(2) stated that he was shooting at his friends. § 87(2) did not say that he thought Det. Mohr to be a gang member and Det. Mohr did not state, "What would a white guy be doing in that neighborhood?" No officer stated that when § 87(2) went to jail there would be "guys fucking him up the ass." No officer called § 87(2) a "fucking retard," or stated, "stop fucking lying to me." § 87(2) was questioned at the stationhouse for approximately ten minutes and he was then released into his father's custody.

#### **Sgt. Jeffrey Colonna and PO James Mazziotta**

PO Mazziotta was interviewed at the CCRB on May 21, 2001 (see enc. 18A-B), and Sgt. Colonna was interviewed at the CCRB on June 14, 2001 (see enc. 19A-B). These officers were incorrectly identified from the roll call, and were not present when this incident occurred.

#### **Other Officers**

While some accounts state that there were up to twenty police officers on the scene, none of the officers interviewed could identify any of the other officers at the location, and the radio run did not indicate any

other units on the scene (see enc. 32A-B). § 87(2)(g)

### Police Documents

§ 87(2)(b), § 87(2)(g). The command log (see enc. 25) states that § 87(2)(b) was brought into the precinct in good condition, and property voucher § 87(2)(b) (see enc. 26) states that one black marksman BB gun, was confiscated from § 87(2)(b) [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)], § 87(2)(a) Fam. Ct. Act § 381.3

### Communications

On the date of the incident, § 87(2)(b) called 911 and stated that there was a man on the stoop of her house with a gun. There is then a lot of background noise, § 87(2)(b) states “Oh God,” and she then hangs up the phone.

A police radio transmission indicates that a narcotics officer is in trouble, and there’s a man with a gun at § 87(2)(b). A call for assistance is placed. An officer then states that a gun was recovered, and it was requested that no further police units respond to the scene.

### Credibility

§ 87(2)(g) There is no disputing that officers entered the premises while having their weapons drawn and pointed. There is also no disputing that the boys were put to the floor and frisked. § 87(2)(g)

### Conclusions and Recommendations

#### Allegations A - C: Det. William Mohr, Sgt. Joseph Gulotta and PO Michael Drennan pointed their guns at § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) (PG 203-10).

Det. Mohr pulled out his gun and pointed it at § 87(2)(b) after § 87(2) shot the BB in the direction of the officer. Det. Mohr kept his gun drawn and pointed as the officers entered the premises. Sgt. Gulotta and PO Drennan also had their guns drawn and pointed. Once inside the location the officers pointed their firearms at the boys. Det. Mohr, Sgt. Gulotta and PO Drennan believed that they were entering a premises where an individual had fled while in possession of a loaded firearm. § 87(2)(b), § 87(2)(g)

#### Allegation D: Sgt. Joseph Gulotta authorized the entry of location.

After § 87(2) shot the BB gun in the direction of Det. Mohr, he removed his gun. This prompted Sgt. Gulotta and PO Drennan who happened to be in the area, to approach Det. Mohr. At that time, Det. Mohr informed the officers of the situation and it was decided to follow § 87(2)(b) into § 87(2)(b) the building that he had fled into. § 87(2)(g)

According to Kamins' *Search and Seizure* (see enc. 1A), a warrantless entry can be made into a premises under the doctrine of hot pursuit. Kamins' states that "the police must have probable cause to believe the suspect has committed a crime and that he has fled to the specific premises which must be entered." [REDACTED]

§ 87(2)(b), § 87(2)(g)

§ 87(2)(g)

**Allegation E: Det. William Mohr spoke obscenely and/or rudely to § 87(2)(b) (PG 203-09).**

According to § 87(2)(b) Det. Mohr stated to § 87(2)(b) "Don't you fucking move." § 87(2)(b) stated that Det. Mohr stated, "I don't give a fuck, he was shooting at me," as he entered the house. § 87(2)(b) stated that Det. Mohr stated "motherfucker," as he entered the premises. According to OATH case law (see enc. 2A-O), in the matter of NYPD against Leslie Williams, the court said that when determining discourtesy charges, "the propriety of words must be judged with regard to the mores of the community and the realities of life in New York City," and therefore discourteous comments do not necessarily make out a disciplinary offense. The case goes on to state that "there are certainly times when strong language is appropriate, even necessary, to obtain compliance with an order." § 87(2)(g)

**Allegation F: Det. William Mohr threatened § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) § 87(2)(b) with the use of force (PG 203-12).**

§ 87(2)(b) stated that during the incident, Det. Mohr stated to him, § 87(2)(b), § 87(2)(b) and § 87(2)(b) "Nobody fucking move. I'll blow your brains out," and "If you move, I'll empty this clip into your head." The other civilians on the scene stated that officers at the location were making comments similar to those mentioned above, but they did not specifically state that Det. Mohr was making these comments. Det. Mohr and all the officers interviewed in conjunction with this investigation, denied that these remarks were made.

According to OATH case law (see enc. 2A-O), in the matter of NYPD against Leslie Williams, it was determined that it is not "misconduct where in certain situations a police officer has resorted to harsh or even profane language in order to more forcefully make a point or to gain compliance with an order or direction. There are certain times when strong language is appropriate, even necessary, to obtain compliance with an order." § 87(2)(b), § 87(2)(g)

**Allegation G: Det. William Mohr used physical force against § 87(2)(b) (PG 203-11).**

§ 87(2)(b) stated that it was Det. Mohr who grabbed § 87(2)(b) and forcefully put him to the floor, and Det. Mohr also stated that he had engaged in this action. § 87(2)(b) stated that the officer who put him to the floor was in uniform and had blond hair, and § 87(2)(b) stated that the officer who put her son to the floor was in uniform. PO Drennan stated that it was Det. Mohr who put § 87(2)(b) to the floor. While Sgt. Gulotta stated that he himself had put two individuals to the floor, Det. Mohr admitted to putting § 87(2)(b) to the floor, as well as to frisking two individuals § 87(2)(b) and § 87(2)(b). Sgt. Gulotta stated that he only frisked one individual, and this would have been § 87(2)(b) who he undoubtedly put to the ground. § 87(2)(g)

When the officers entered the premises, the boys were instructed to get onto the floor. § 87(2)(b) sat on the couch and did not immediately comply with the officers' orders. § 87(2)(b) stated that he was taken to the floor by having an officer grab his back and chest, and then tripping him over his foot. § 87(2)(b) stated that he



sustained a bruise to his cheek. § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

**Allegation H: Sgt. Joseph Gulotta used physical force against § 87(2)(b) (PG 203-11).**

§ 87(2)(b) stated that when the officers entered the premises, they instructed the boys to get onto the floor. § 87(2) complied but he did not get all the way down, and an officer identified as Sgt. Gulotta by § 87(2)'s description, grabbed him by the jacket and pushed him to the floor. Sgt. Gulotta stated that he grabbed two of the boys by their jackets and put them to the ground. § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

**Allegation I: Det. William Mohr frisked § 87(2)(b) and § 87(2)(b) (PG 212-11).**

Det. Mohr admitted to frisking both § 87(2) and § 87(2)(b) § 87(2)(b), § 87(2)(g)

Det. Mohr did not know if § 87(2) had been given the weapon, or if he was in possession of a weapon himself. According to Kamins' (see enc. 1B), "a frisk must be based on a reasonable suspicion that the suspect is armed." Kamins' continues, "the police officer must articulate specific inferences, drawn from the particular facts, which, in light of his experience, would cause a reasonable prudent man in such circumstances to harbor a rational belief of danger." § 87(2)(g)

§ 87(2)(g)

**Allegation J: Sgt. Joseph Gulotta frisked § 87(2)(b) (PG 212-11).**

§ 87(2)(g)

**Allegation K: PO Michael Drennan frisked § 87(2)(b) (PG 212-11).**

§ 87(2)(g)

**Allegation L: Sgt. Joseph Gulotta threatened § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) § 87(2)(b) with the use of force (PG 203-12).**

§ 87(2)(b) stated that Sgt. Gulotta made the statement, "If you move, you die." § 87(2)(g)

**Allegations M and N: Officers spoke obscenely and/or rudely to § 87(2)(b), § 87(2)(b), § 87(2)(b) and § 87(2)(b) (PG 203-09) and threatened them with the use of force (PG203-12).**

According to § 87(2)(b) and § 87(2)(b) officers who they could not describe stated "shut the fuck up," and "Don't fucking move or I'll shoot you. Get on the fucking floor." § 87(2)(g)

**Allegation O: Det. William Mohr made remarks to § 87(2)(b) based on race while at the 72<sup>nd</sup> Precinct (PG 203-10).**

§ 87(2)(b) stated that while Det. Mohr questioned him, Det. Mohr asked him why he ran, and § 87(2) responded that he thought Det. Mohr to be a gang member. Det. Mohr then responded, "What would a

white guy be doing around this neighborhood?” Det. Mohr denied making this statement and Det. Moya and Sgt. Panzica also stated that Det. Mohr did not make this comment. § 87(2)(g)

**Allegation P: Det. William Mohr spoke obscenely and/or rudely to § 87(2)(b) while at the 72<sup>nd</sup> Precinct (PG 203-09).**

§ 87(2)(b) stated that while at the precinct, Det. Mohr stated to him, “When you go to jail, they’ll be guys fucking you up your ass.” Det. Mohr also called him a “fucking retard.” Det. Mohr denied using any discourteous language, and all the other officers interviewed also stated that Det. Mohr did not make the aforementioned comments. § 87(2)(g)

**Allegation Q: Det. David Gilbert spoke obscenely and/or rudely to § 87(2)(b) while at the 72<sup>nd</sup> Precinct (PG 203-09).**

According to § 87(2)(b) he was questioned by Det. Gilbert regarding robberies in the vicinity, and at this time Det. Gilbert stated “stop fucking lying to me,” and also said that § 87(2)(b) would get “fucked up the ass.” Det. Gilbert denied making these remarks. Det. Mohr, Sgt. Panzica and Det. Moya all stated that at no time were these comments made. Det. Gilbert stated that § 87(2)(b) was cooperative with him, and aided his open robbery investigations, and would therefore have had no reason to talk to § 87(2)(b) in such a manner. § 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: